

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	NO. CR-06-2159-LRS
)	
Plaintiff,)	
)	ORDER ON BAIL REVIEW HEARING
v.)	
)	
JOSE ALBERTO ABUNDIZ,)	
)	
Defendant.)	

A bail review hearing was held October 16, 2007. James Hagarty, Esq., appeared for the government and defendant was present with CJA counsel William Schuler, Esq.

The Defendant moved for release from custody as a detention hearing was not held previously due to his State hold. The State charges have now been resolved. The Defendant is requesting that detention be addressed in this matter.

The court granted Defendant's motion to reconsider release.

(Ct. Rec. 75)

Upon receipt of the A. O. Form 199C, it is **ORDERED** that the U.S. Marshall shall release defendant from custody.

IT IS FURTHER ORDERED, that the release of the defendant is subject to the following conditions:

1. The defendant shall not commit any offense in violation of federal, state or local law.

2. The defendant shall advise the court and the U. S. attorney in writing before any change in address.

1 3. The defendant shall appear at all proceedings as required
2 and shall surrender for service of any sentence imposed as
3 directed.

4 4. The defendant shall sign and complete form A.O. 199C
5 before being released and shall reside at the address furnished.

6 5. The defendant shall remain in the Eastern District of
7 Washington while the case is pending. On a showing of necessity,
8 the defendant may obtain written permission from U.S. Probation to
9 travel outside the Eastern District of Washington.

10 6. The defendant shall maintain or actively seek
11 employment.

12 7. The defendant shall not possess a firearm, destructive
13 device or other dangerous weapon.

14 8. Defendant is further advised, pursuant to 18 U.S.C. §
15 922(n), it is unlawful for any person who is under indictment for
16 a crime punishable by imprisonment for a term exceeding one year
17 to ship or transport in interstate or foreign commerce any firearm
18 or ammunition or receive any firearm or ammunition which has been
19 shipped or transported in interstate or foreign commerce.

20 9. The defendant shall refrain from the excessive use of
21 alcohol, and the use or possession of a narcotic drug and other
22 controlled substances defined in 21 U.S.C. § 802 unless prescribed
23 by a licensed medical practitioner. Defendant shall undergo a
24 substance abuse evaluation and complete treatment indicated by
25 this evaluation. Defendant shall submit to urinalysis testing no
26 more than four times per month. The United States Probation
27 Office shall also determine the time and place of testing and
28 evaluation and the scope of treatment but shall only conduct any

1 testing at a public facility. U.S. Probation shall bear the cost
2 of the court ordered substance abuse evaluation and treatment.

3 10. The defendant shall report to the United States
4 Probation Office before or immediately after his release and shall
5 report at such times and in such manner as they direct.

6 11. The Defendant shall report to the Washington State
7 Department of Corrections within 24 hours of his release to set
8 conditions of community custody.

9 **You are advised that a violation of any of the foregoing**
10 **conditions of release may result in the immediate issuance of a**
11 **warrant for your arrest, revocation of your release and**
12 **prosecution for contempt of court which could provide for**
13 **imprisonment, a fine or both. Specifically, you are advised that**
14 **a separate offense is established by the knowing failure to appear**
15 **and that an additional sentence may be imposed for the commission**
16 **of a crime while on this release. In this regard, any sentence**
17 **imposed for these violations is consecutive to any other sentence**
18 **you may incur.**

19 DATED this 16th day of October, 2007.

20
21 s/ Mikel H. Williams
22 MIKEL H. WILLIAMS
23 United States Magistrate Judge
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